

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OLLIE GREENE, Individually as the
surviving parent of WYNDELL GREENE,
SR., WILLIAM GREENE, as the
Administrator of the Estate of WYNDELL
GREENE, SR., and MARILYN
BURDETTE-HARDEMAN, Individually
and as the surviving parent of LAKEYSHA
GREENE,
Plaintiffs

CASE NUMBER: 3:11-cv-0207-N

V.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR MANUFACTURING
NORTH AMERICA, INC.,
TOYOTA MOTOR SALES USA, INC.,
VOLVO GROUP NORTH AMERICA,
INC., VOLVO TRUCKS NORTH
AMERICA, A DIVISION OF VOLVO
GROUP NORTH AMERICA, INC.,
STRICK CORPORATION, INC.,
JOHN FAYARD MOVING &
WAREHOUSE, LLC, and
DOLPHIN LINE, INC.
Defendants.

DEFENDANT STRICK TRAILERS, LLC’S
MOTION FOR PARTIAL SUMMARY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Strick Trailers, LLC, Defendant in the above-entitled and numbered cause, and files this their Motion for Partial Summary Judgment, and respectfully shows unto the Court as follows:

1. Strick Trailers, LLC (“Strick”), is entitled to summary judgment on many of Plaintiffs’ claims, including:

- A. Any wrongful death claims resulting from the deaths of Wesleigh Greene and Wyndell Greene, Jr.;
- B. Any wrongful death claims by Ollie Green for damages resulting from the death of Lakeysha Greene;
- C. Any wrongful death claims by Marilyn Burdette Hardeman for damages resulting from the death of Wyndell Greene, Sr.;
- D. Any wrongful death claims by the Estate of Wyndell Greene, Sr. for damages resulting from the death of Lakeysha Greene; and
- E. Any claims for exemplary damages brought by Ollie Greene or Marilyn Burdette Hardeman.

Summary judgment is appropriate for the reasons set forth in Strick’s brief filed in support of this motion.

2. Accordingly, Defendant Strick prays this Motion be set for hearing; that upon hearing, the Court grant this Motion for Partial Summary Judgment in its entirety and render judgment that Plaintiffs take nothing by the claims listed above; and for such other relief, both at law and in equity, to which Defendant Strick may be justly entitled.

Respectfully submitted,

WALTERS, BALIDO & CRAIN, L.L.P.

/s/ S. Todd Parks

S. TODD PARKS

Texas State Bar No. 15526520

JASON L. WREN

Texas State Bar No. 24028144

ASHLEY DE LA CERDA

Texas State Bar No. 24045760

900 Jackson Street, Suite 600

Dallas, Texas 75202

214/749-4805

214/760-1670 (Facsimile)

ATTORNEYS FOR DEFENDANT STRICK

CERTIFICATE OF SERVICE

This is to certify that on the 28th day of March, 2013, a true and correct copy of the above and foregoing was forwarded to all non-registered counsel of record in accordance with the Federal Rules of Civil Procedure via facsimile and to all registered counsel of record by electronic service through the court's ECF system in compliance with Federal Rule of Civil Procedure 5(b)(2)(E) and 5(b)(3).

/s/ S. Todd Parks

S. TODD PARKS